DOCUMENT RESUME

ED 428 152 UD 032 825

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TITLE Meeting the Challenge: Moving towards an Improved Pennsylvania Charter School Program.
PUB DATE 1998-02-00
NOTE 36p.; Paper presented at the Annual Meeting of the American Educational Research Association (San Diego, CA, April 13-17, 1998).
PUB TYPE Information Analyses (070) -- Speeches/Meeting Papers (150)
EDRS PRICE EDRS Price MF01 Plus Postage. PC Not Available from EDRS.
DESCRIPTORS *Charter Schools; *Diversity (Student); *Educational Change; Elementary Secondary Education; Public Schools; Standards; *State Legislation; Urban Schools
IDENTIFIERS *Pennsylvania; *Reform Efforts

ABSTRACT

As the public clamors for better educational approaches to enable a diverse student population to meet newly designed academic standards, provide for more creative and innovative pedagogical strategies, and render a feasible option to regular public education, charter programs offer a viable alternative. Viewed as a venture capital investment, endorsement of charter schools across the U.S. represents an entrepreneurial school reform which necessitates expansive and progressive charter school laws to facilitate their establishment and institutionalization. This article reviews Pennsylvania's recent charter school program in view of effective legislation enacted in other identified "strong" charter school states and presents policy recommendations for stronger legislative components based on successful prototypes. The prescriptions offered are meant not only to enhance Pennsylvania's legislation, but also have implications for other states considering the initiation of charter school programs. (Contains 40 references.) (Author/SLD)

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MEETING THE CHALLENGE: MOVING TOWARDS AN IMPROVED PENNSYLVANIA CHARTER SCHOOL PROGRAM

Paper Presented at AERA, San Diego, April 1998

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ABSTRACT

As the public clamors for better educational approaches to enable a diverse student population to meet newly designed academic standards, provide for more creative and innovative pedagogical strategies, and render a feasible option to regular public education, charter programs offer a viable alternative. Viewed as a venture capitol investment, endorsement of charter schools across the nation represents an entrepreneurial school reform which necessitates expansive and progressive charter school laws to facilitate their establishment and institutionalization. This article reviews Pennsylvania's recent charter school program in view of effective legislation enacted in other identified "strong" charter school states and presents policy recommendations for stronger legislative components based on successful prototypes. The prescriptions offered are meant not only to enhance PA's legislation but have implications for other states considering initiation of charter school programs.

BRIEF BIOGRAPHY

Addie M. Johnson is an Assistant Professor of Curriculum & Instruction in the College of Education at Penn State University, Great Valley Graduate School of Professional Studies. In 1998, she was an Urban Fellow at the Mid-Atlantic Region Educational Laboratory. Her research interests comprise the areas of professional development, organizational change, distance education, and educational policy.

MEETING THE CHALLENGE: MOVING TOWARDS IMPROVED PENNSYLVANIA CHARTER SCHOOL LEGISLATION*

The charter school movement of the 1990's is perceived by proponents as a school reform effort which holds promise for innovative teaching and learning practices to enable students to meet higher academic standards in American public schools. U.S. Secretary of Education Richard Riley views the initiation of charter schools as not only a vehicle to enhance student performance, but to "empower educators, involve parents and boost accountability" (Nathan,1996). The actualization of a different organizational structure built on an educational vision represents a new entrepreneurial venture in education. The spirit of this movement's entrepreneurial approach, formulated on the principles of free enterprise, is committed to creating a school reform environment based on the major elements of competition and choice (Geske, et al.,1997). Generally not pursued by professional educators, entrepreneurialism in school reform appears to be espoused more by those in the private business sector. Most public school teachers, accustomed to being followers rather than leaders, do not envision designing a school based on their own professional beliefs. Numerous accounts exist depicting teacher desire for freer educational environments to implement visions of creative approaches to student learning without bureaucratic constraints. Currently, the charter school concept offers an appealing opportunity to some educators since it remains within the public realm yet promises a more open environment.

President Clinton, many congressional leaders, state governors, some nationally known educators and members of the corporate business world advocate charters as a "venture capitol" investment focused on raising the quality of student academic performance. This constituency regards charters as another vehicle to be employed in building a better skilled, educationally prepared workforce to maintain America's global competitive position. To provide successful ventures, endorsement of this new school reform effort necessitates expansive

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* Paper presented at AERA, San Diego, April 1998

and progressive charter school legislation to facilitate the establishment of charter school entrepreneurialism (Center for School Reform [CER]#2).

Charter schools are defined broadly as

> ...autonomous educational entities operating under a contract negotiated between the organizers who manage the schools (teachers, parents, or others from the public or private sector) and the sponsors who oversee the provisions of the charter (local school boards, state education boards, or some other public authority). (Greenawalt, C., 1995, Abstract: ED401370).

The Pennsylvania definition of charter schools is similar but limited to local school board sponsorship. Basically, proposals to establish charter schools are required to delineate their mission and educational goals, specify anticipated student outcomes and proposed assessment measures, and present a plan for school governance and financial practices. However, legislation enacted in the 28 states which established charter schools as of 1995, vary a great deal in definition and policy (Dunn, 1995).

Proponents of this reform tender the following rationale for instituting this concept: charter schools propose to offer parents the option of choice in schooling, grant teachers the freedom to become more inventive and resourceful in an autonomous setting free from district and most state mandates, permit innovative approaches to curriculum and instruction fostering emphasis on student learning styles and educational needs, and promote quality educational programs emphasizing improved student achievement (Sautter, R.C., 1993; Nathan, J. 1996). The main element supporting these educational priorities rests on the autonomous nature of charter schools based on the prospect of freedom from normal school district bureaucracies and state regulations (Greenawalt, C. 1995). As previously stated, the charter school concept may become an acceptable alternative since schools "remain public [yet] foster a more market driven educational system"(Mulholland & Bierland, 1995, in Geske, et al., 1997, p. 16).

The premise of this paper is to review Pennsylvania's recent charter school program in view of effective legislation enacted in other identified "strong" charter program states and to present recommendations for a more viable model based on successful prototypes. Pennsylvania is unique in its progress toward the legislation of charter schools, with the exception of

California, primarily because it represents the result of political negotiations between the state legislature and the governor, the latter being a voucher choice proponent. In addition, Pennsylvania's enactment of charter schools in June of 1997 occurs almost simultaneously with the public review and dissemination of the state's new document on academic standards (Medler, A., 1996; Mezzacappa, June, 1997). For this legislation to become a successful educational reform, the Pennsylvania law governing charter schools needs to address those policy issues which impact serving the needs of students, parents, and teachers who have decided to participate in this initiative.

In examining Pennsylvania's legislation, a main consideration will be how effectively components support this reform and offset pitfalls and disadvantages. Successful charter schools are defined in terms of sound financial and operational practices, a feasible curriculum, creative instructional strategies, and above all else, improved student achievement; these areas represent key accountability factors used by state departments and/or state boards of education for contract renewal. To generate a model which promises a viable delivery system, recommendations of policy issues based on a composite of reported successful charter school legislation enactments in other states will be discussed. [1]

GENERAL CHARTER SCHOOL CHARACTERISTICS

Charter schools are characterized by the vision of organizers who shape them, their educational goals, and the main body of students to be served. Therefore, each school is uniquely different. Many schools may be organized according to grade level groupings (K-3 or 9 - 12), magnet focus (technology and communication), or special interest groups (at-risk, hearing and speech), etc. However, the school's main focus cannot act as the sole determinant of specific student populations; charter schools are public in nature and therefore open to all students. Regardless of their individuality, common themes or concepts are representative of their

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[1] This paper will not discuss the linkage between improved student achievement and charter school programs since sufficient empirical data will not be available until 1999 (Schnaiberg, 1997). Recommendations for an improved model will focus on effective legislative components.

educational program. In summary, charter schools may be depicted as public schools characterized by: "freedom from rules and regulations, choice, innovation, accountability, improved student achievement, competition, open enrollment (nonsectarian; nonselective), parent involvement, and site-based management" (Thomas, D., 1996,p.4).

A POLITICAL PERSPECTIVE ON THE DEVELOPMENT OF PENNSYLVANIA'S MODEL

Both the governor and the legislature of the state of Pennsylvania acknowledged and supported the need to set higher state academic standards in accordance with *America Goals 2000.* The governor's original intent to provide a voucher program was defeated in the legislature; insufficient support existed for this choice plan (Greenawalt, 1996). The current state charter law represents an attempt by legislators to appease voucher proponents by devising legislation which permits a neutral compromise in creating charter schools as public entities. However, some critics view Pennsylvania's (PA's) current charter school legislation as a "back door" to a full voucher choice plan if the initiative proves unsuccessful (Greenawalt, 1995).

The PA charter school design will have an impact on all schools in the Commonwealth, especially Philadelphia, the largest urban school district in the state. The Philadelphia school system may benefit greatly from this enactment if a number of public school faculties and parents opt to convert to charter status. This financially strapped urban center has piloted within-school charters in various senior high schools backed by funding from private corporations and businesses for the past several years (Fine, M., 1992). Since additional state funding for school reform programs in Philadelphia is continuously entangled in judicial hearings (Reinhard, B.,March, 1997), the possibility of application for state funding of existing and future charters appears to be a fortuitous event. In addition, an existent possibility is the conversion of some of the school cluster groups (high school with elementary and middle feeder schools) into charter schools, thus offsetting district financial losses and providing for expansion of public school choice programs. The structural design of the state's

plan offers a benefit to those students who seek an opportunity for an alternative to regular public school education, however several components of the law should be improved to enable this reform to become a viable option especially for disadvantaged, minority, and disabled students who may seek admission.

PENNSYLVANIA LEGISLATION'S DESIGN COMPONENT STRENGTHS

Educational researchers view Pennsylvania's charter laws as the 12th strongest in the nation (CER, PA Profile, 1997). Strong laws are predicated on the relationship between the degree of autonomy provided to charter schools and the availability of sponsorship other than the local school board (Finn, et al.,1996). The latter is inapplicable to PA's legislation since charter school approval rests solely with the local school. However, the strength of Pennsylvania's law exists in many other components; the following sections are recognized as providing a good foundation for a successful reform.

1. *There are no limitations on the number of charter school applicants and sites.* This provision allows for an unrestricted number of applications; many other states, i.e., Arizona, California, Colorado, Massachusetts, Minnesota, New Jersey, and Texas, have set limits (Mulholland, 1996a).

2. *Allowance for educator and non-educator groups to apply for charters.* Although application does not guarantee acceptance, an open policy fosters the possibility of more innovative charter programs by facilitating non-educator group proposals. Usual obstacles are reflected in policies requiring signatures of a percentage of teachers or community members for charter application (Finn, et.al,1996). In Pennsylvania, the latter policies only apply to public school conversions. The law allows applications by "individuals, parents, teachers, nonsectarian institutions of higher education, museums, nonsectarian corporation not-for-profits, corporations, associations, or any combination thereof" (PA Act 22, 1997).

3. *Grants, based on the size, scope, and any special characteristics of the proposed charter school are provided for planning and start-up.* The legislature has allocated $ 1.4 million for the 1998-9 school year for these purposes which demonstrates its commitment to this initiative. In comparison, Arizona, recognized as having the strongest charter law, only created a $ 1 million "stimulus" fund. As of 1996, seven of the ten states which had charter laws applied and received funding from the U.S. Department of Education for start-up purposes (Mulholland, 1996a). In addition, Pennsylvania will utilize a $4 million federal grant entitled, "Charter Schools Now"; charter schools are allowed to receive $600 per pupil for start-up funding which is calculated at $60,000 for a 100 pupil school population (PA Act 22, 1997; PA Department of Education [PDE],1997).

4. *Criteria for the awarding of planning grants are provided in the application materials. Technical assistance in designing the proposal is available to assist applicants.* The Pennsylvania Department of Education (PDE) sponsors a series of workshops to discuss the application process and essential elements of successful public charter schools.

5. *All charter schools have legal and fiscal autonomy; both elements are recognized as forming the basis for freedom of operation.* Legal autonomy provides certain freedoms but also mandates responsibility for operating within the federal, state, and local laws. This is particularly essential in situations where charter governing boards, operating as public non-profits, engage in negotiations with for-profit educational services. However, charter status does not indicate exemption from legal suits (PA Act 22, Sec. 1727). Pennsylvania charter schools "operate independently of a conventional school district structure. A charter school is described as a separate, legally autonomous public entity with all [the] power

necessary to carry out its school program" (PDE,1997). Pennsylvania's strong legislation in these areas appears flexible in support of inviting charter applications. Adherence to "all laws and regulations pertaining to health, safety, and civil rights" in applicable sections of the Public School Code and specifically enumerated in Act 22 of 1997 is required. The overall provision for legal and fiscal autonomy is granted in anticipated exchange for full school accountability as demonstrated by measurable student achievement gains. Legal autonomy further allows for waivers from state and district regulations.

6. *A provision exists for "transitional funding" to school districts which grant charters.* Since these districts will eventually lose funding based on the number of students who transfer to charter schools, Act 22 provides a "one-time payment of approximately $1,800 for each regular education student" residing in the granting district's attendance area "who attends a charter school and previously attended a public school, was home-schooled, or a previous school dropout". Students previously enrolled in private school "trigger transitional funding up to $1800" (PDE, 1997a). "The same funding system is in place for special education students, except that the amount per student is $3000" (Act 22, 1997). [2] This funding assists in reducing the resistance of local school boards to deny charter applications. However, local boards, aware of the one-time funding effort; recognize that future years will result in a reduction in funding based on the number of district resident students attending charter schools (Act 22, Section 3).

7. *A charter school's professional teaching staff must constitute 75% of teachers with Pennsylvania state certification.* The remaining 25% may consist of non-certified

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[2] This data is reported as of December 1997.

teachers. This provides charter schools with a strong instructional foundation to build innovative educational practices. In addition, it allows for experienced non-certified personnel from the private business sector to share their knowledge base with students.

8. *Pennsylvania's law encourages public school conversion, however, 50% of teachers and parents within a given school are required to agree for charter status.* This section of the legislation will be of assistance to public schools desiring to convert especially in the state's large urban centers.

9. *Pennsylvania encourages teachers to opt for transferring to charter schools by preserving the following areas:* a five year leave of absence with right of return to the original public school system; retention of tenure, school and system seniority; maintenance of comparable health insurance benefits; and continued enrollment in the Public School Employee's Retirement System (PA Act 22, Section 1724).

10. *Transportation, a major concern of parents whose children may need to travel a distance to a charter school site, is an issue which has already been settled in prior law.* PA Act 372, enacted in the late 70's, requires that school districts transport both public and private school students across district boundaries and absorb the costs for those services. However, this legislation, which also applies to charter school students, may not be interpreted as free from costs. Within the state formula to provide funding for charter schools based on the district allocation, transportation is one of numerous costs deducted prior to the charter school's receipt of funds for enrolled students. The charter "school receives the amount the district would spend on each student, minus the average per student

expenditure for special education programs; nonpublic school programs; adult education programs; community/junior college programs; student transportation services; facilities acquisition, construction and improvement services; and debt service and fund transfers from the school district...for each resident student attending the charter school"(PDE, 1997). Therefore, transportation is an indirect cost item to charter schools although not to parents or students.

These ten sections, based on the samples of other state laws and relevant research literature, represent the strengths of Pennsylvania's current charter school legislation.

Bierlein and Mulholland (1994), in examining Ted Kolderie's work (1994) on effective charter school models, extracted nine elements identified as essential for success. These authors claim that if the following elements are only minimally present in a charter school design, the likelihood of providing a context for the development of a viable learning environment is greatly increased. Briefly, the nine elements necessitate that charter schools: (1) have one other public authority other than the local school board as sponsor; (2) allow for a variety of public and private individuals to seek sponsorship; (3) are "discrete legal entities" apart from school district control; (4) as a public entity, embrace "common school ideals"; (5) are held accountable for performance by parents and the sponsoring agent; (6) are exempted from all state and local laws (except those regarding health, safety, and civil rights) in exchange for stricter "fiscal and outcome accountability"; (7) maintain status as a choice alternative; (8) receive full operating funds based on its student enrollment; and (9) provide teachers with the option to become "employees, owners, and/or subcontractors" and provide former public school teachers with school district "leave of absence" protections (Bierlein and Mulholland, 1994, p. 3)

In addition to the sections previously mentioned, the Pennsylvania legislation also addresses other areas such as: operational requirements and term agreements; powers regarding gifts, contractual agreements, fund receipts and disbursements, debt incurrence and legal liability; establishment of a Board of Trustees; appeal processes; facilities; enrollment and

admissions; staffing; reports, assessments, and evaluations; revocation and non-renewal of charter status; and desegregation orders. To present comparisons of each of the sections would entail a lengthy discussion , however a few areas will be discussed in terms of effectiveness and need for reexamination.

ISSUES AND ANSWERS FOR PA'S CHARTER SCHOOL LAW

Many states have revised their initial legislation based on observations of charter school implementation and evaluative feedback from state departments of education, charter school governing boards, and general public commentary. Revised legislation samples compiled by researchers reveal that political maneuvering may heavily influence decreases or increases in legislative support (Finn, et al., 1996; Mulholland, 1996b). Research efforts by numerous investigative institutions such as the Center for Educational Research (CER), the Morrison Institute, and the Hudson Institute, provide policymakers with informative reports to assess the structure and impact of current charter laws. Pennsylvania's legislators will undoubtedly appraise both the implementation and interpretation of their charter law in view of components identified through the research which show promise of leading to successful educational reform.

Although Pennsylvania's charter school law is touted as one among twelve strongest in the nation, various facets of the legislation could be examined in terms of supportive impact on perpetuating the longevity of this major state school reform effort. In researching the institutionalization of the charter school program in Pennsylvania, several major issues, if addressed through review and revision by the PA state legislature, will serve to strengthen components of the initial legislation. These issues represent provisions of the law which impact the following: misinterpretation of the current law, the approval and appeals processes, student accountability and fiscal accountability, charter school funding paths, and technical assistance in accounting procedures and monitoring of governance board operations. In addition, several other items not currently addressed will be discussed. The accompanying recommendations for addendums and revisions will support, enhance, and facilitate charter school growth and development in this state. The actualization of these recommendations are intended to expand and extend Pennsylvania's initial charter program. 10

MISINTERPRETATIONS OF THE LAW: CLARITY IN A SPECIFIED STATE BOARD

As of September 1997, Pennsylvania had "distributed 67 charter school planning grants ranging from $15,000 to $25,000 to groups across the state" (Loux,S., 9/97, PDE 5/98). Although some local boards in Pennsylvania have granted charter contracts, several others view approval as a threat to the continuation of their individual regular school program funding. In addition, local boards view successful charter schools as a source of competition and fear they will reflect negatively on public school performances; hence another reason local boards are more unwilling to "relinquish control of their district domain"(CER No. 3, p. 1).

Since Pennsylvania's legislation had been in existence less than a year (at the time of this writing), its relative newness did not afford a real opportunity to examine statewide reaction. Some parts of the legislation contained ambiguous phrases which impacted school board decision-making in reviewing and evaluating charter school applications. Those school boards resisting the presence of charter schools within their district boundaries appeared to utilize this ambiguity to their advantage. There were at least three cases of charter application rejections by local school districts which demonstrated this resistance.

The rationale for charter denial is frequently built on misinterpretations. The first example represents a situation where an application to the Atherton School District was denied on the basis it would "use public money to create a public school intent on innovation"(Inquirer, 11/97). The applicant, "The Charter Cooperative", desired to create a Montessorri style, "child-driven" school featuring ungraded classes and parental involvement. The Atherton district was reportedly afraid of losing money to the charter; they stated the district already offered a similar program. The absence of a clear state guideline allowed a school district to deny a charter based on program duplication. In the next example, The Worthington School District likewise had concerns regarding granting a charter contract. They used the rationale that revenues received from township and state sources were already very low and granting charters would lessen funds to their district. A Worthington school board director member is reported as stating..."We've taken some pretty heavy hits in terms of taxes

- especially this year. ..[t]his [charter] school is going to impact the tax base for the township"(Stanley, S. 12/97). Whereas this school district may have realistic fears of decreased revenues based on a loss of students to charter schools, there are other districts which do not have that concern. To cite a case in point, one financially well off district is comprised of a student population of 1,500 with the average cost of education at roughly $10,000 per student (Lee, A., 1/98). In this situation, to cite fear of losing full funding as a reason for charter denial appears to be an unfounded explanation. However, for smaller districts, policymakers need to review the impact of the legislation beyond the provision of transitional funding and revise funding formulae on a pro-rated basis.

The second example depicts one of the highest degrees of local board resistance observed thus far in Pennsylvania. This resistance evolved as a result of an application for a Regional Charter School (The Development Center Charter), submitted to three adjacent school districts, (Smithson, Roanoke, and Williamston,[3]) from which the charter school would draw student enrollments. During hearings at each of the districts, organizers were "grilled" on questions concerning "its proposed budget, to its method of teaching, to its enrollment policy"(Esack, S., 12/97,p.9). The charter applicants explained their mission as "guide[ing] the student who is not performing to his potential to reach his potential through a parent partnership in a multisensory, cognitively based approach in an academically rigorous, content-rich, character building educational program" (Esack,1997,p.9). Furthermore, the spokesperson for the charter said the school's goals were to utilize a "multi-sensory approach" to presenting material, use teaching techniques fostering a cognitive learning approach by employing more problem-solving than memorization tasks, and maintain small class size. Serving students in adjacent townships, applicants of this charter had engaged in a non-profit organization for a number of years to provide academic support to underachieving children by employing psychological approaches as instructional strategies. However, all three districts reportedly

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3 Fictitious names of districts and schools are used.

denied the charter based on insufficient information regarding school operation, "insufficient support from local citizens, an understaffed faculty, a curriculum similar to those already in existence in public schools, and unanticipated costs not factored into the budget such as materials and supplies for special education" (Lee, A., 1/98, p.4).

The result of these school board decisions may have been based on misinterpretations of the state law. For instance, one superintendent claimed that all three districts had to agree for the charter to be granted; the law is interpreted as charter approval necessitating affirmation by " a majority of the districts". In addition, one board member complained that charter applicants are given state grants to prepare the application whereas school boards receive no funding to hire solicitors or for reimbursement of board member time to review applications. One method of handling real or feigned misunderstandings is the use of information sessions for superintendents and boards of school directors; information sessions could be conducted by facilitators and trainers from the Pennsylvania Department of Education (PDE) with participating members of the Pennsylvania School Boards Association. Any essential legal assistance could be provided by a state charter board as suggested in a forthcoming section.

Clearer language in sections of Act 22 will assist in preventing the misinterpretations which serve to hinder charter school formation and expansion. Guidance in conducting legislative reviews may prove to assist in revising those sections which are currently enigmatic. As has been demonstrated in the aforementioned scenarios, ambiguous wording allows local school boards to interpret sections of Act 22 to suit their own purposes by either creating additional requirements for charter application approval or using interpretations of certain wording to deny applications.

LOCALLY BASED APPROVAL AND APPEAL PROCESSES

The process designated in the legislation for approval and appeals of charter applications constitutes a major issue in establishing charter schools. The 'public' rationale provided by school districts which deny approvals for charter schools must be within the guidelines of the

law. In actuality, applications appear to be approved or denied by school districts based on purely financial considerations (Boldt, 1998). One prime influential factor is the contention that approval of charter applications will hasten the eventual loss of district funds; the allotment of "transitional funds" as a "carrot" inducement appears ineffective. School district board directors are apt to believe this funding will not offset the amount of revenue essential to maintain all of the district's programs in future years. Finn et.al (1996) describe the process as akin to charter organizers "find[ing] themselves in a 'catch-22' situation" by having to negotiate with a district "from whom they seek a release" (p.91) from regulation and control. Finn further states that some local boards may view charter application, especially for conversion schools, as "tantamount to succession" (p.91). Therefore maintaining the approval process for charter contracts solely through local school boards is a prime issue which needs to be evaluated and revised. This procedure appears to unduly limit opportunities for uniquely designed charter school programs.

To offset arbitrary charter denials, most states have devised an appeals process. In Pennsylvania, the appeals process is not slated to be implemented until 1999. It may be rationalized that this two-year moratorium was purposively enacted to discourage frivolous appeals, however the time delay seems somewhat unfair to charter organizers who have 'gathered people around' a viable vision. Charter organizers may also fear losing participant applicant interest to other charter school programs. Information from the Pennsylvania Department of Education did not report the rationale for establishing an Appeals Process a year and a half after passage of the charter school legislation. However, the state may have needed time to institute a statewide process to provide timely, unbiased, and equitable service. Whatever the rationale for the appeals process delay, it serves to detract from the establishment of charters and the receipt of assured fair treatment from sponsoring school districts.

Another facet of the appeals process which necessitates examination for feasibility of implementation is the section requiring collection of 1,000 signatures within a 60 day time

period of intended participant teachers, parents, and community members indicating their approval of the application after charter contract denial by local school districts. This procedure is mandated prior to appeals submittal to the PA Department of Education. This mandate may be viewed as having two possible politically-based outcomes: (1) some applicants will be unable to obtain the essential signatures for a variety of reasons and therefore unable to gain an appeal, and (2) those applicants with more politically astute participants may be more successful in gaining an appeal. The question arises as to the fairness of the procedure. Is there really a need for so many signatures for a charter school which may only house a small number of students, for example, 75 to 150 students? The rationale for the procedure should be reviewed by policymakers, pro-rated according to the proposed charter school size and listed as a requirement for appeal within a more realistic time period. However, the fact that "all decisions of the charter school appeal board shall be subject to review by the Commonwealth Court" (Act 22, Section 1717-A, p. 3) represents one positive component of the existing appeals process.

One other item concerns the probability that local boards may be heavily pressured by union personnel to vote for rejection since charters in Pennsylvania are granted union affiliation as an option. Creating an entity for approval of charter school status other than local school boards appears to be a fair solution to avoid local board intransigency.

SOLUTION: A STATE CHARTER BOARD?

To accommodate some obvious 'gaps' in the law, one proposal to deal with the various problems cited would be the establishment of a state charter school governing board utilizing Arizona's design model (Premack, 1996). This board would accept responsibility for approval of charters thus offsetting local school board resistance. However, to serve all applicants in the state, regional boards under the auspices of the state would need to be established. This state board could clarify misinterpretations of the intent of the legislation and address problems such as decreases in small district funding and its impact on continued quality programming.

Representative examples of successful charter school states using the state governing board model are found in Arizona and Texas (Mulholland,1996a). Research of these models establish that "within [a] seven state sample, three states... offer a viable nonlocal board sponsorship option, and those three rank among the most dynamic in terms of charter school growth and diversity"(Finn, et al.,1996,p.47). Finn and others also find that nonlocal sponsorship options provide the most supportive environment for the growth of charter schools.

In alignment with the proposal for a state charter school board is a recommendation to be considered by an entity which would handle the appeals process. An Appeals Board, if instituted, could be administered under the auspices of the proposed state charter board. Perhaps the establishment of centers in various county locales within the state would provide for easier access and facilitate processing applicant appeals.

Some educators and other observers will undoubtedly view the establishment of both a State Charter and Appeals Board as reinstituting another bureaucratic layer which may add to the intricacies of the approval and appeals processes. However, if these entities remain focused on the tasks of providing essential services in the areas delineated, and not expanded to include other concerns, the services offered will offset the perceived disadvantages.

ACCOUNTABILITY: ACADEMIC AND FISCAL

MEANS OF DETERMINING STUDENT ACADEMIC ACCOUNTABILITY

Another prominent issue concerns devising a student accountability system which focuses on student improvement. Pennsylvania's legislation regarding academic accountability states that to demonstrate improved student progress all charter schools will participate in the annual statewide student assessment program. As of this writing, there is not a clear interpretation of that section of the law. The language in the legislation and other interpretive documents provided to charter applicants state that charter school student performance will be measured according to state assessments. The manner in which assessment results will be interpreted is not delineated.

In keeping with the spirit of the concept of charter schools, a few expectations are as follows: teachers will be free to use innovative, creative approaches to curriculum development and pedagogical practice; charter schools will be free of bureaucratic regulations and union contractual agreements if desired; and students will be engaged in learning activities devised to meet their needs and strengthen their academic and creative abilities. If teachers devise curriculum adaptations to meet the learning styles of their students, and design aligned forms of assessments, is there the expectation that these pedagogical approaches coincide with items on state standardized exams? Evidently, legislators believe the exchange of freedom from regulations for strict accountability could only be interpreted in terms of improved standardized scores.

Another question concerns whether charter school students will be measured against other students statewide without regard for the ability levels of the school population on changing to charter status. The original Senate Bill 123 which became the Charter School Law (June 17, 1997), indicates that charter schools will be "provided with methods to establish accountability". Interpretation of the meaning of that language suggests that both the sponsoring agency (the local school board) and the Pennsylvania Department of Education (PDE) will assist charter schools in preparing types of accountability measures in an effort to meet the newly proposed state standards. State academic standards, revised from educational outcomes to reflect national standards, will ultimately form the entire basis for statewide student assessment. However, information regarding the manner in which charter schools will be assessed, with the exception of the administration of the Pennsylvania State Student Assessment (PSSA), is not available. Frequently reported questions concern assessment implementation as follows: 'Will the first administration of the PSSA be used to establish base-line data for charter schools over a three year period?' 'Will alternative assessments such as portfolios, performance examination results, and exhibition ratings be similarly weighted to standardized testing in demonstrating student progress and subject content knowledge?' Giving this reform effort substantive meaning rests on the degree to which the state department of

education interprets the legislation, and prioritizes the implications of these questions in resolving this issue.

For those states employing the requirement of using standardized test scores to ascertain improved student performance, it is too early to gain a sense of how this will be implemented. The research performed by the Hudson Institute (Finn et. al,1996) reveals that every charter school investigated in the study appeared quite different, unique, and serves different student populations ranging from low achievers to special interest groups. If this is the case, then is it likely a fair approach to academic accountability would consist of using pre- and post tests to determine average student percentiles, followed by an examination of standardized test results for determination of student progress over time? The Hudson Institute research team "proposes that accountability systems should define performance standards; use exams....reflecting standards; have...comparable results; [and] include academic and non-academic indicators of success"(Mulholland Addendum, 1996b, p.4). In reviewing student outcomes relevant to charter schools, Mulholland (1996b, p. 5) recommends administration of comparable tests before and after entry thus revealing a truer picture of student performance gain. Most educators and researchers acknowledge that schools need a three to five year period to shape an educational program and demonstrate sufficient growth in student performance. It is interesting to note that in general, "charter schools are required to participate in state testing programs and fulfill statewide graduation requirements" (Geske, et al., 1997, p. 20) although these assessment designs are based on mandated standards for all regular schools without consideration for the unique educational programs likely to be offered in most charter school models. These suggested proposals may be considered not only in the development of good charter programs but in gaining a truer picture of student academic performance.

FISCAL ACCOUNTABILITY

Delineation of methods to demonstrate academic improvement represents one facet of this reform however, it is conjoined with fiscal responsibility. A PA charter school's contract renewal depends not only on accountability in terms of improved student achievement but in the

school's overall level of functioning. Demonstration of adherence to sound fiscal policies, good accounting practices and auditing procedures will assist in attaining satisfactory school operation. It should be acknowledged that governance board members are mainly novices in financial matters. Most boards are unfamiliar with the accounting practices and technicalities of application procedures for federal and state funding, especially of Title One and special education monies respectively. Many researchers have observed that too many charter school governance boards are not aware of their right to apply for funding for federal and state programs; this factor unfortunately results in loss of appropriate and available program financial support (Finn, et al., 1996). In addition, fiscal prudence is dependent on some type of assistance such as temporary alignment of service contracts and insurances with sponsoring districts as discussed later in this article.

A REVIEW OF FUNDING PATHS

Currently, funding flows from the state through the sponsoring school district to the charter school and is based on a state-aid formula prescribed for individual school districts. Novice charter board members who are unfamiliar with state aid formulas, property tax milage, school district deductions from allotments allowed by the state and various other financial and legal matters, are dependent on their sponsoring districts to fairly disburse funds due the charter schools . Legislators may have viewed the current procedure as a protective device in the disbursement of school funds, with the district acting as the protector, however this procedure allows for the likelihood of problematic occurrences.

Prior to a charter school receipt of funds based on the district's enrollment, among other criteria, there are decreases in monies attributed to transportation costs, budget expenditures for adult education, facilities acquisition, special education, construction and maintenance, debt service, etc. In addition, special education and Title One funds are allocated based on the district's identified student population inclusive of the charter school population. In many cases, these funds are funneled through the school districts first. Although there appear to be some advantages to this method in terms of fiscal oversight, problems do exist.

There are numerous reported cases of charter schools not receiving their due share of funding or funding in a timely manner(Finn, et al., 1996). Several reasons are cited for this occurrence: (1) school districts hold the funds back as long as possible before remittal to charters, (2) districts do not share information for application for special federal or state funds, and (3) some districts reportedly outright "short change" their sponsored charter schools (Finn et al., 1996; CER No. 2, p.2, 1997). Unfortunately, such examples of school district holdbacks' contribute to charter school financial difficulties in maintaining an on-going 'cash flow'.

One example of a better approach is the Minnesota model; it has had the most success in this area by routing charter school funding directly from the state based on the rationale that charter schools are recognized as separate entities and therefore direct application for federal and state grants is through the state (Finn et al , 1996). Kolderie (1996), in his recommended model for strong charter school law agrees with this procedure (in Nathan, 1996, p.214). In some other states such as Massachusetts, Michigan, and Arizona, funds are routed directly to the schools (Finn, et al., 1996, p.36). Instituting this procedure in Pennsylvania would diminish problems of adequate and timely revenue disbursements thus alleviating charters from unnecessary fiscal pressures especially at the beginning of the school year.

In addition to institutionalizing this procedure, Pennsylvania is far behind other states in their state funding formula to charter schools. Reportedly, Pennsylvania charters are to receive approximately 72%-80% of the allotted monies whereas other states (Arizona, Massachusetts, & Minnesota) reportedly provide 100% allocation(Finn, 1996, Appendix A). Of course, the PA data may only reveal the allotted percentage actually provided after deductions by the local district; other states allocating 100% may be reporting the full amount without deleting any other costs.

Revisions in this section of PA's charter law would assist in offsetting probable future difficulties. Disbursement of funds could be strengthened through legislative revision by redirecting the funding path directly from the state to the charter school. The negative

implications of the preceding scenario of funding patterns, if not appropriately handled, constitute a good rationale for providing on-going technical assistance to charter governing boards.

STATE TECHNICAL ASSISTANCE AND MONITORING

From recent accounts of charter school operation, it is apparent that various formats of technical assistance to address both fiscal procedural knowledge and governance board decision-making are vital to successful charter programs (Geske et al., 1997). Many new charter school boards reportedly spend more time on governance issues and accounting procedures than maintaining a focus on curriculum and instructional issues (Bixby, February 1998). Concentration on creating academic programs to accommodate individual student learning needs in working towards meeting charter contract renewal criteria should constitute a main governance board focus. The technical assistance currently provided is comprised of workshops for preparation of charter applications, interpreted as essential support by the PA Department of Education. Although the latter is a commendable effort, it is not mandated by legislation. Likewise, monitoring devices constitute solely annual reports submitted to the sponsoring district and the state department of education.

In terms of state technical assistance, one recommendation is that sponsoring districts assist charters with special education and Title One requirements. It is essential that the overall training is conducted by teams of state facilitators under the auspices of the proposed State Charter Schools Board. Technical assistance is not only needed in these areas, but especially in state fiscal accounting procedures and the functioning of charter school governing boards. The latter is important since governing board members need an understanding of how to perform the following: (1) function as a team, (2) engage in appropriate decision-making processes, and (3) identify and prioritize items. In addition, to enhance group cohesiveness, consensus-building, and personal interactions, workshops based on group dynamics processes are essential. The research implies that charter schools which have experienced failure lacked

knowledge of fiscal processes and team decision-making practices (Finn et al.,1996). It is not expected that the provision of technical assistance will constitute a lengthy and expensive process. Once instituted, training sessions can be offered periodically by a variety of external sources such as community colleges, universities, and private sector entities i.e. corporations, businesses etc. (Finn et al., 1996). This procedure has been adopted successfully by other states.

AN EFFECTIVE MONITORING SYSTEM

In addition to the current mandated annual charter school report, the introduction of monitoring devices to accommodate individual school needs would assist in meeting the criteria for more successful operations and charter contract renewal. Charter school failure, whether attributed to fiscal or operational improprieties, has a negative impact on student enrollees who must disengage themselves from one school setting and relocate hopefully to a similar alternative form of educational practice. For this reason, it is incumbent upon the state to use preventive steps to avoid school failure. Understanding fiscal complications and operational guidelines can be dealt with through the technical assistance proposed earlier. Group dynamics sessions, essential in encouraging governing boards to gain good working relationships can also be fostered through state assistance programs. However, monitoring by an external source may prove valuable in recognizing early signs of problems which can be addressed and resolved. External monitoring can be requested from the same community resources as those requested to volunteer for training assistance e.g., local community colleges, corporations, university personnel, neighborhood legal services, etc. This form of intervention can help schools resolve problems before they begin to impact student learning. In addition, this assistance will prove helpful to teachers who serve on governing boards to focus attention on instruction rather than "plowing through" issues with little knowledge of how to accomplish required governance tasks. The concept of monitoring could be a part of an ongoing technical assistance program offered to charter school governing boards, staff, and parents without undue state burden.

ISSUES NOT ADDRESSED IN THE LEGISLATION

In comparison to the legislation of other states considered to hold "strong" charter laws, it is apparent there are some issues not addressed in Pennsylvania's legislation (Mulholland and Buechler, 1996 in Finn, 1996). This factor reveals a weak link in PA's charter school model. The following categories constitute policy issues which may either support or inhibit the institutionalization of charter schools i.e., open admission and educational equity policies, school populations reflective of the diversity of the sponsoring district, waivers from current state graduation requirements, and temporary service contracts through sponsoring districts.

OPEN ADMISSIONS AND EDUCATIONAL EQUITY POLICIES

Charter schools are viewed by many as an opportunity to serve the needs of lower socio-economic students, drop-outs, at-risk students, bi-lingual/Language English Proficient (LEP) students, and those in special education who failed to demonstrate sufficient growth and development in public school classrooms (CER, No.1, p.2). According to the legislation, charter schools are open to all students, however, special incentives to organize schools to meet the educational needs of the aforementioned students by offering different learning environments may encourage more schools designed for these purposes. What may be at issue is the lack of specific language in the legislation to address and encourage educational equity in admission policies and in school program design.

David Boldt, a writer for the Philadelphia Inquirer, notes that although the law forbids "charter schools from choosing their students...[the] provision was not meant to prevent charters from targeting underachieving students...it was supposed to do the opposite: to keep charter schools from 'skimming' the ablest students from regular public schools"(Inquirer, 2/10/98, p.13). He reports that some school district boards are denying charter contracts based on the view that specific student groups are being targeted. This is a matter of how the legislation is interpreted. Boldt argues this situation warrants a more clearly delineated law so that charter applicants who propose to assist students experiencing difficulties in regular

public schools can opt for an alternative educational setting. In other states, successful charter schools are those which reportedly target specific groups e.g., high school dropouts, at-risk student populations, etc. Investigative findings report that parents of many disabled students influence charter organizers to design schools focused on using innovative instructional strategies to meet the learning needs of these students (Finn et al., 1996).

Within this policy perspective, the issue is one of educational equity in providing fair access to alternative forms of public education for all students inclusive of the disabled and the academically challenged. With the exception that states require charter schools to adhere to state regulations governing areas of desegregation, legislation which requires a percentage of charter schools targeted toward a population of educationally disadvantaged, disabled, poor or minority students is not apparent either in Pennsylvania or other states (Caudell, 1996). The importance of this issue being addressed in state regulations resides in maintaining an equal educational opportunity to all students regardless of their disabilities, socio-economic class, ethnicity, or race. Omission of legislative requirements which deal with equity issues may result in charter schools comprised of students who are racially or socio-economically isolated. Of course, the other side of the coin is that school districts could use charter schools as a "dumping ground" for hard to teach students (Caudell, 1996, p, 16). Although the educational equity issue is not currently problematic, it holds future potential for disputes. It is interesting to note that recent investigations of charter schools reveal that "charter school enrollments nationally are virtually the same as for all public schools in terms of family income and ethnic background"(Boldt, D., 2/98, p.13).

EDUCATIONAL EQUITY GUIDELINES

To provide for equality of opportunity to engage in establishing charter schools, a review of criteria impacting special education, at-risk student enrollments, and provisions for other minority groupings need to be considered. These topics typically raise questions such as those which follow: 'Can entire states be found out of compliance with federal regulations if its

charter schools are not following special education mandates?' 'Will federal regulations be changed to take into consideration the special circumstances of charter schools?' 'If federal regulations are waived or changed, how will this impact curriculum, instructional processes, and compliance with court mandates?' These are the 'hard' questions which have arisen within the charter school concept which need to be addressed. It is reported that as long as parents are happy with the improvement of their identified special education children in charter school programs, they will raise no concerns with state policymakers (Geske et al.,1997). Many of these parents indicate that the individualized attention special education and at-risk children are receiving is helping them to improve their skills more so than the assistance provided in public school programs,but future results are certain to clarify their effectiveness.

Researchers at the Hudson Institute cite the number of special education, at-risk students, bi-lingual, and minority students who are currently being served, and served well, in charter schools. This positive feedback fares well with supporters of charter programs, but does not set well with opposition groups who acknowledge that public schools must revitalize their educational programs and demonstrate growth and success in student academic achievement to remain competitive. If the latter does occur, it signifies that the establishment of charter schools has met one of the goals espoused by its supporters; charters will have become sufficiently competitive to induce positive change in regular public schools.

A BRIEF LOOK AT REFLECTIVE DIVERSITY

The concept that charter schools should reflect the diversity of the school district which sponsors the charter contract is not widely accepted or endorsed. Pennsylvania's law (Section 1723A) addresses discrimination in enrollment and student admission as follows:

> Discrimination prohibited: A charter school shall not discriminate based on intellectual ability (with the exception of particular grade level or area of concentration), athletic ability, measures of achievement, disability, English language proficiency or other illegal basis (Act 22, p. 5)

Although this section states the prohibitions regarding discriminatory practices, it does not

prevent charter organizers from developing schools which result in a predominance of homogeneous student populations regardless of academically challenged, socio-economic groupings, or racial majorities. In sections of any state it is difficult to maintain racial balance where few minority students reside. Therefore questions arise regarding the maintenance of a "hands off" policy at the outset of the charter school program versus initiating conditions to offset the possibility of reproducing isolated racial entities.

Inarguably one of the most difficult issues to be examined proactively is obtaining some balance of diversity in charter schools reflective of the population make-up of sponsoring or resident districts. One question is... "How does a school district, intermediate unit, county or state board examine this issue?" "Is a counting schema appropriate or is that pattern unfair and unacceptable to all ethnic groups pursuing charter school contract approval?" Charter applicants will undoubtedly request approval in such a random manner that examination of diversity balance may become a moot point. However, there is the supposition that only segments of a given school district may apply for charter status; if those segments represent mainly the dominant culture, will there be some future numerical cut-off? Or there is the supposition that the reverse situation holds true given a predominance of minority ethnic group charter approvals which serve to upset the current balance of diverse student populations within the resident district; how will this scenario be handled?

Easy solutions are not apparent, however one approach may consist of the following: approval of state-wide applications can be reviewed with some perspective on maintaining diverse student populations in consideration of the number of minorities or majorities residing within a given school district area. For this procedure to be enacted on a fair basis, it is essential to have supportive legislation, effectuated by a state board which only handles matters concerning operations of charter schools. However, these suggestions are simplistic in light of the weight of the issues. Suffice it to state that the paradox of fair resolution should these problems arise, will probably remain an unresolved, debatable issue for many years.

GRADUATION REQUIREMENTS

The Pennsylvania designed graduation requirements, in terms of junior/senior year projects and Carnegie Units, as part of the accountability system, needs to be evaluated in its application to PA charter schools. Since the law does not address this area, there is a question of whether it is the intent of the legislature to grant a waiver from these requirements or to view them as part of the state accountability system. Questions evolve regarding the impact of this program on charter school students especially within the first two to three years of charter existence. Will an opportunity to gradually build these requirements into the charter school program be offered, or will no adjustments be available? If the graduation requirements specify the use of portfolios, performance and exhibition ratings as criteria for diplomas, are there a sufficient number of colleges and post-secondary institutions accepting alternative forms of assessments for admission requirements? Promoting the use of alternative forms of assessment, whether for graduation requirements or for student grade course evaluation, (if utilized appropriately) will more authentically demonstrate student capabilities, strengths, and progress in subject content knowledge; it should also act as a motivational device to encourage students to strive towards attainment of the high school diploma.

SUBCONTRACTING FOR ESSENTIAL SERVICES

Another issue of importance to be addressed by the state concerns the necessity of allowing charter schools to obtain contract services through the sponsoring school district until charter schools are financially capable of appropriating and maintaining these services on their own. Examples of contract services include costly items such as insurance, building maintenance, federal food programs for identified poverty level students, etc. The arrangement of sub-contracting is suggested as an attachment program to the sponsoring school district, in an addendum format, so that the autonomous nature of charter schools can be maintained. Governing boards which lack both the expertise and funding to provide for these services may necessitate assistance during at least the first two years of operation.

Small school districts in many states combine their efforts when dealing with huge budget items such as legal services, insurance coverage, food services, building and grounds maintenance, etc. Charter schools may be considered as having similar needs, although these may prove to be short-term based on increased student enrollment and per pupil funding. Therefore, legislation permitting sub-contracting with sponsoring school districts may assist charter schools in meeting their financial obligations until they are more capable financially. Sub-contracting need not be restricted to the aforementioned services but expanded to assist schools in obtaining special education and Title One funding. This approach is not to be interpreted as the charter school's special education funding remaining tied to the district. The recommendation is for the charter school to make its own application for federal and state funding with the district providing localized, short-term technical assistance to the school in handling paper work and in understanding requirements, allowances, and constraints.

A SUMMARY OF THIS PERSPECTIVE

The issues discussed herein represent concerns which require a review by the state legislature and the state board of education in making Pennsylvania's charter school law as all encompassing as possible. Recommendations for reevaluation and revision of the charter school legislation and its intended outcomes, taking into account the perspectives presented, may strengthen the support necessary to make this educational reform successful. To further fine-tune its charter school law, Pennsylvania's legislators may decide to go one step further and create a state reimbursed evaluation system similar to the one devised by Massachusetts. That state "reimburse[d] schools up to $10,000 each for [the] purchase of consultation or advice to help them develop ...evaluation measures"(Finn, 1996,p.66). Their plan was based on performance assessment determined by three general criteria:(1) the success of the academic program, (2) the viability of the school organization, and (3) the school's adherence to its charter terms. The performance assessment designed to assist the charter schools in meeting these criteria consisted of: (1) development and pursuit of clear, measurable school

performance objectives, (2) documentation of progress toward the objectives, (3) credible student assessment tools to track student performance, and (4) annual progress reports. The Massachusetts plan was clear in its required mandates but also allowed schools to design their own accountability and evaluation measures as long as key criteria were being met. It remains for Pennsylvania's legislators to examine the benefits of funding this type of evaluative measure and viewing it in terms of its priority among other issues.

States which have offered different types of approaches and perspectives in attempts to encourage charter schools as both a reform measure and an alternative to regular public schools do so within their own contextual environment. However, many of their approaches to dealing with the issues revolving around the institutionalization of this reform have been demonstrated to be realistically adaptable and useful for those states pursuing successful prototypes.

Therefore, the purpose of the recommendations proposed in this article are offered to improve Pennsylvania's charter school legislation thus enabling it to better serve the needs of students, parents, teachers, and governing board members who desire to engage in an entrepreneurial educational venture formulated to improve student performance. As a school reform effort in the public arena, the legislation supporting charter school programs should be designed to provide the most benefits to its ultimate consumers, the students and their parents who desire to engage in this alternative concept.

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